IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL APPEAL Nos.172, 173 and 177 TO 181 SB OF 1994

DATE OF DECISION: FEBRUARY 26, 2007

Ram Chander Rawat.

.....Appellant

VERSUS

State of Punjab.

....Respondent

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. **Whether Reporters of local papers may be allowed to see the judgement?**
2. **To be referred to the Reporters or not?**
3. **Whether the judgment should be reported in the Digest?**

PRESENT: Mr. M. S. Rakkar, Sr.Advocate with
Mr. P.S.Baath, Advocate,
for the appellant.

Mr. M. C. Berry, Sr.DAG, Punjab.

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RANJIT SINGH, J.

This order will dispose of abovesaid seven Criminal Appeals filed by the same appellant, who is convicted for an offences under Sections 420, 468 and Section 5(2) of the Prevention of Corruption Act, 1988. The appellant, after conviction, is awarded sentence of RI varying from a period of two and a half years to one and a half years coupled with fine. He was also directed to undergo varying terms of imprisonments in default of payment of fine.

For the disposal of aforesaid appeals, facts are taken from Criminal Appeal No.172 SB of 1004 ***(Ram Chander Rawat Versus State of Punjab).*** The appellant, who was functioning as a Clerk in Bank of India, Main Branch at

Ludhiana, had tendered a cheque No.0132247 dated 25.3.1988 for Rs.10,000/- in his Saving Bank Account No.9119 with Bharat Nagar Chowk Branch, for collection of the same from his own saving bank Account No.27400 in the main branch at Ludhiana. While working as a Clerk in the main branch, the appellant did not post the said cheque in the ledger-sheet when the same was received for collection. The cheque, however, was got passed from H.S.Gulati, Special Assistant, fraudulently and payment of the same was credited in the Saving Bank Account No.9119. The cheque was lateron destroyed. In this way, the bank was cheated for a sum of Rs.10,000/-. The further allegation is that the appellant had dishonestly withdrawn a sum of Rs.3000/- from the account of one Ram Kanwar Joshi by forging his signatures. He is alleged to have made alterations in the withdrawal slips by showing it to be a joint account maintained by him and Ram Kanwar Joshi, which, in fact, was a self operating account of said Ram Kanwar Joshi. The Government Examiner of questioned documents had opined that appellant Ram Chander Rawat had forged the signatures and thus did forgery. Accordingly, the appellant was challaned and charge-sheeted. The charge against the appellant was framed on 6.8.1992. He pleaded guilty to the charge. The appellant, however, withdrew his plea of guilty on 25.8.1992 and moved an application, withdrawing his statement, confessing his guilt. The said application was allowed and prosecution was required to prove the charge against the appellant. The prosecution thereafter examined 13 witnesses and after the statement of the appellant made in his defence, the Special Court, C.B.I., Patiala, found the appellant guilty

of the charge and sentenced to suffer R.I. as brought out.

Before Mr.M.S.Rakkar, learned Senior Counsel appearing for the appellant, could commence his submissions on merits of the case to impugn the order of conviction of the appellant, his attention was drawn to the fact that the appellant himself had initially confessed the offence alleged against him. It was further pointed out to the counsel that prosecution case even thereafter was established on the basis of evidence led through 13 prosecution witnesses, which could not be dented much by the defence in the course of trial. Mr.Rakkar thereafter steamed off and pleaded for mercy for the appellant. The learned counsel then points out that the incident is of the year 1988. The appellant faced protracted prosecution and was convicted on 22.2.1994. Thus, he is facing the agony of trial, prosecution and proceedings for almost 19 years. He has also pointed out that the appellant has undergone sentence of about a month and a half. He, by now, is aged about 63 years. As was submitted earlier before the Special Judge, the daughter of the appellant had suffered a paralysis attack and appellant was the only earning member of the family on whose mercy, his sick daughter was dependent. Learned counsel has also pointed out that through the mis-conduct of the appellant may not appear justified but at the same time it may be worth notice that the amount involved, which the appellant had allegedly cheated the bank is not very substantial. Having regard to these facts, the learned counsel has pleaded for reduction in the sentence awarded to the appellant.

Since the appellant has suffered a prolonged agony of trial and thereafter is under a constant threat of conviction and

sentence, the cases against him may call for some leniency in the sentence awarded to him. Accordingly, while up-holding the conviction of the appellant for the offence alleged against him, the sentence of 2-1/2 years RI awarded to him, is reduced to 1-1/2 years RI. However, no interference is called for in cases where the appellant has been sentenced to suffer RI for 1 year or 1-1/2 years. The sentence of fine in each case shall also be maintained. It is, however, made clear that sentences in all cases shall run concurrently. It is apparent from the record that the appellant is on bail. He is accordingly directed to surrender before the Chief Judicial Magistrate, Patiala, to undergo the remaining portion of sentence.

With the above modification in the sentence, all the appeals are dismissed.

February 26, 2007 **(RANJIT SINGH)**
khurmi **JUDGE**